

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 337 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

- 1 Page 6, between lines 23 and 24, begin a new paragraph and insert:
- 2 "SECTION 5. IC 36-1-12.5-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this
- 4 chapter, "energy conservation measure" means a school facility
- 5 alteration or an alteration of a structure (as defined in IC 36-1-10-2)
- 6 designed to reduce energy consumption costs or other operating costs,
- 7 including the following:
- 8 (1) Providing insulation of the school facility or structure and
- 9 systems within the school facility or structure.
- 10 (2) Installing or providing for window and door systems,
- 11 including:
- 12 (A) storm windows and storm doors;
- 13 (B) caulking or weatherstripping;
- 14 (C) multi-glazed windows and doors;
- 15 (D) heat absorbing or heat reflective glazed and coated
- 16 windows and doors;
- 17 (E) additional glazing;
- 18 (F) the reduction in glass area; and
- 19 (G) other modifications that reduce energy consumption.
- 20 (3) Installing automatic energy control systems.
- 21 (4) Modifying or replacing heating, ventilating, or air
- 22 conditioning systems.
- 23 (5) Unless an increase in illumination is necessary to conform to

1 Indiana laws or rules or local ordinances, modifying or replacing
 2 lighting fixtures to increase the energy efficiency of the lighting
 3 system without increasing the overall illumination of a facility or
 4 structure.

5 (6) Providing for other energy conservation measures that reduce
 6 energy consumption or reduce operating costs, **including future**
 7 **labor, contracted services, and related capital expenditures.**

8 SECTION 6. IC 36-1-12.5-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The governing
 10 body may enter into an agreement with a public utility to participate in
 11 a utility energy efficiency program or enter into a guaranteed energy
 12 savings contract with a qualified provider to reduce the school
 13 corporation's or the political subdivision's energy consumption costs or
 14 operating costs if, after review of the report described in section 6 of
 15 this chapter, the governing body finds:

16 (1) that the amount the governing body would spend on the
 17 energy conservation measures under the contract and that are
 18 recommended in the report is not likely to exceed the amount to
 19 be saved in energy consumption costs and other operating costs
 20 over ten (10) years from the date of installation if the
 21 recommendations in the report were followed; and

22 (2) in the case of a guaranteed energy savings contract, the
 23 qualified provider provides a written guarantee as described in
 24 subsection (d)(2).

25 (b) Before entering into an agreement to participate in a utility
 26 energy efficiency program or a guaranteed energy savings contract
 27 under this section, the governing body must publish notice under
 28 subsection (c) indicating:

29 (1) that the governing body is requesting public utilities or
 30 qualified providers to propose energy conservation measures
 31 through either a utility energy efficiency program or a guaranteed
 32 energy savings contract; and

33 (2) the date, the time, and the place where proposals must be
 34 received.

35 (c) The notice required by subsection (b) must:

36 (1) be published in two (2) newspapers of general circulation in
 37 the county where the school corporation or the political
 38 subdivision is located;

39 (2) be published two (2) times with at least one (1) week between
 40 publications and with the second publication made at least thirty
 41 (30) days before the date by which proposals must be received;
 42 and

43 (3) meet the requirements of IC 5-3-1-1.

44 (d) An agreement to participate in a utility energy efficiency
 45 program or guaranteed energy savings contract under this section must
 46 provide that:

(1) all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of ten (10) years or the average life of the energy conservation measures installed from the date of final installation; and

(2) in the case of the guaranteed energy savings contract:

(A) the savings in energy and operating costs due to the energy conservation measures are guaranteed to cover the costs of the payments for the measures; and

(B) the qualified provider will reimburse the school corporation or political subdivision for the difference between the guaranteed savings and the actual savings; and

(3) payments are subject to annual appropriation by the fiscal body of the school corporation or political subdivision and do not constitute an indebtedness of the school corporation or political subdivision within the meaning of a constitutional or statutory debt limitation.

(e) An agreement or a contract under this chapter is subject to IC 5-16-7.

(f) The governing body may not enter into an agreement or stipulate as to savings under the agreement without appropriate architectural, engineering, or accounting studies."

Renumber all SECTIONS consecutively.

(Reference is to ESB 337 as reprinted April 11, 2001.)

Representative Hasler



Adopted

Rejected

COMMITTEE REPORT

MR. SPEAKER:

Your Committee of One, to which was referred Engrossed Senate Bill 337, begs leave to report that said bill has been amended as directed.

Representative Hasler